



**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Thomas F. WILTON et al.

Group Art Unit: 3611

Application No.: 10/621,606

Examiner: P. Royal

Filed: July 18, 2003

Docket No.: 108322.02

For: METHOD AND APPARATUS FOR SELECTIVE OPERATION OF A HYBRID  
ELECTRIC VEHICLE POWER PLANT

**REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. §1.111**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the June 17, 2004 Office Action, reconsideration of the above-identified application is respectfully requested in view of the following remarks. Claims 1-34 are pending.

Applicants appreciate the indication of allowability for claims 5-8, 13-16, 22-25 and 31-33. However, for the reasons discussed below, Applicants assert that all of claims 1-34 are allowable.

**I. Double Patenting Rejections**

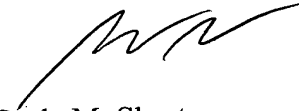
Claims 1-4 and 9-12 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-4 and 19-22 of Schmitz et al., U. S. Patent No. 6,622,804 B2 (Schmitz '804). Attached hereto is a Terminal Disclaimer disclaiming the terminal portion of any patent issued on this application that extends beyond the term of Schmitz '804. It is respectfully requested that the rejection be withdrawn.

Claims 17-21, 26-30 and 34 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 20-24 and 39 of Schmitz et al., U. S. Patent No. 6,483,198 B2 (Schmitz '198). Attached hereto is a Terminal Disclaimer disclaiming the terminal portion of any patent issued on this application that extends beyond the term of Schmitz ('198). It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-34 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Registration No. 29,213

Scott M. Schulte  
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DMS:SMS/sxb

Attachments:

Terminal Disclaimers (2)

Date: September 15, 2004

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